

CHARTER REVIEW COMMITTEE
MINUTES
March 15, 2021

Webex Conferencing System

5:30 p.m.

CALL TO ORDER Chairperson Singer called the meeting to order at 5:32 p.m.

PRESENT Chairperson David Singer, Vice Chairperson Otis Wheeler, Councilor Shelia Gilmour, Councilor Christine Forgey, Erin Donnally Drake and Allen Woods.

ABSENT John Lunt.

ALSO PRESENT Mayor Roxann Wedegartner; City Council President Penny Ricketts Councilor Virginia Desorgher and Assistant Assessor Kimberly Mew.

CHAIR STATEMENT: This meeting is being recorded by the Charter Review Committee. If any other persons present were doing the same they must notify the chairperson at this time.

MOTION: On a motion by Councilor Forgey, second by Councilor Gilmour, it was,

MOVED: TO APPROVE THE CHARTER REVIEW COMMITTEE MINUTES DATED FEBRUARY 22, 2021.

DISCUSSION: Committee member Donnally requested that the word “Referendum” be added between “Citizens” and “Petition” on bullet point paragraph 5 to read as follows: “Committee member Donnally questioned why a Citizens **Referendum** Petition had to go through the Council when a majority of the time they reject it.”

It was by roll call, 6 yes, 0 no,

VOTED: TO APPROVE CHARTER REVIEW COMMITTEE MINUTES DATED FEBRUARY 22, 2021, AS AMENDED.

Chairperson Singer opened discussion on Charter Section 6-14: Board of Assessors.

- Chairperson Singer noted that in a previous meeting he may have misinterpreted the State laws that affect the Assessors. Singer stated it appears that a City is able to have both elected and appointed Assessors at the same time up to a total number of 9 assessors. Due to the uncertainty about the interpretation, the Mayor has forwarded this issue to the City’s Attorney for review. Councilor Forgey then led a discussion about how the Assessor’s office in Greenfield is organized. Councilor Forgey stated that her biggest concern with the Assessor’s was their accountability of the whole structure of the office. Clarification was required as to the authority within the office in respect to the elected and appointed Assessors. She has looked at Assessor’s Departments from neighboring Towns/Cities around Greenfield and noted that the State does not provide a specific model for the Towns and Cities to follow. She explained that the Board of Assessor’s in each of the other Towns/Cities she reviewed have a 3 member board of either elected or appointed officials whose only responsibility was to meet and adjudicate. The Chief Assessor and office staff in those Towns/Cities are “in the field”, and forwarded abatements and recommendations for setting the tax rate and any other issues the Board would need to address in accordance with Massachusetts General Law. Councilor Forgey stated her goal would be to have a more professional structure in the Assessor’s office. Councilor Wheeler wanted to clarify that

Assistant Assessor Mew, who was at the meeting, was in the process of receiving her certification to qualify for the position of Chief Assessor.

- Assistant Assessor Mew then spoke. She noted that aside from herself there was a part time employee in the office; however, she feels there should be a full time employee in the office. RRG, the vendor that was currently performing the assessments for the City, has been assigned more work than they would normally do. She explained that 99% of Massachusetts Towns/Cities hire outside companies to handle personal property assessments, however in Greenfield RRG also does real estate assessments. She explained the role the Board of Assessors in the City of Greenfield. She also stated that her office is running well now and it was not necessary to increase the number of Assessors. She noted that the current field of people who run for Assessors was decreasing and it would become more difficult to elect or appoint Assessors who live in the same Town/City, thus justifying the role played by RRG.
- Chairperson Singer asked who would be best suited to perform the real estate field work and obtain the best results. Assistant Assessor Mew explained the benefit of hiring an outside company to perform the assessment inspections versus the sole use of local assessors. With RRG performing the field work, the Board of Assessors' main responsibility is to hear appeals of assessments, abatements, and opinions on proper procedures and policies; however, she also noted the elected Assessors are not given access to the computer and data bases in the Assessor's office; therefore they cannot perform day to day functions. The firm that the City uses, RRG, was paid \$104,000 in FY2021; it could be a higher amount for FY2022. Assistant Assessor Mew stressed that if the City had not used an outside firm, their fiscal budget would be significantly higher.
- Councilor Wheeler believed that the Assessor's office functioned well as it is now and would not benefit from any changes in the procedures. Assistant Assessor Mew also voiced her concerns that Charter changes to the Assessor's office would remove the flexibility to use outside assessment firms when needed. Councilor Forgey stated that she would vote for a change to the Charter in regarding the Assessors; the Board of Assessors should either be all appointed or all elected officials, and agrees that the Chief Assessor should not be a member of the Board. She also believed that having an inside assessment team would be a cleaner structure. Mayor Wedegartner felt that there was no issue with the Charter language as it is; however, she would not object if the Committee had recommended increasing the number of assessors for the City.
- Councilor Gilmour felt that if the Assessor's office was working in accordance with the Charter there would be no need for a change. She stated she would like to see all of the Board of Assessors members elected; however, it has been difficult to employ assessors regardless of assignment or election. Chairperson Singer does not feel the Committee would submit any recommendations for changes to the Charter section for the Assessor's office; the majority of the Committee concurred. Councilor Forgey respects the decision of the Committee not to forward a recommendation to change the Assessor's section of the Charter as long as the report included her opinion. Assistant Assessor Mew reiterated that there are State laws the Assessor's office needs to abide by and advised any changes to the Charter could not obstruct that. Mayor Wedegartner noted that the review to the legal opinion sent to the City Attorney could be available as early as this week.

Chairperson Singer opened discussion on Charter Section 3-8: Temporary Absence of the Mayor.

- Committee member Donnally asked for clarification if the Mayor's suggestion to subsection a) was it 21 *business days* or 21 *calendar days* and thought 21 calendar days was too long. Mayor Wedegartner explained that in some instances (such as the COVID-19 pandemic) the Mayor may be working on weekends as well, which is not a normally perceived work day. Chairperson Singer explained that

“business days” had always been used to describe a work week of Monday through Friday. Councilor Wheeler felt that there needed to be a hard deterrent to negligence, ie the Mayor not working enough. Wheeler suggested that the Charter provision of 10 days was included to protect against the Mayor continuously taking 21 days off, then working, then doing it again. Chairperson Singer noted that this Charter Section is designed to insure a smooth and fluid transfer of power due to a vacancy. Chairperson Singer said if the Mayor is on vacation, is sick for a short time, or if the Mayor is out for longer or can no longer serve, then there is a mechanism to insure a smooth and defined transition. The Committee seemed to think 15 business days worked to extend the time frame requested by the Mayor. However, Chairperson Singer had concerns with the Mayor’s proposed language change in naming a specific official (i.e. Chief of Staff) to replace the Mayor. He believed the Mayor’s replacement, after the first short time frame where an appointed official is the replacement, should be an *elected* official and not an *appointed* official; however if the President of the Council were to take over, the appointed official will remain as support for the Temporary Mayor. Mayor Wedegartner agreed with his rationale. The Committee agreed as well.

Chairperson Singer opened discussion on Charter Section 7-6: Petitions to Council or School Committee; 7-7: Citizen Initiative Measures; 7-8: Citizen Referendum Procedures.

- Chairperson Singer began by explaining that a petition under Section 7-6 gets the attention of the City Council and School Committee; however, both entities can decide whether they want to vote on the petition or not. Section 7-7 allows the public to initiate a proposed measure for the Council or School Committee to consider, which they must vote on. The question for discussion is again whether to have a supplemental initiative petition or not in Section 7-7. Chairperson Singer noted the State Law’s language on how to get an initiative petition on the ballot is to have it go to the Council or School Committee for vote, and if voted down then there must be a referendum petition filed immediately to get the question on the ballot. A Greenfield Citizen has suggested having a direct route for initiative petition; first sending to the Council or School Committee, then if voted down, the petition goes directly to the ballot. Question was raised if the supplemental initiative petition was a necessary process.
- The Committee has discussed this previously, and now on second review, the suggestion was made to leave the language in the Charter “as is” using a supplemental initiative petition with some slight language change to the timeframes and percentage of signatures required.
- There was discussion on supplemental or not supplemental initiative petition. Committee member Woods explained that it would be a simpler procedure for a citizen to present their petition to the City Council and/or the School Committee and if they reject it, the issue would be forwarded to the ballot for the voters to decide. That option should have a higher threshold of signatures for the initial Petition and omit the supplemental initiative petition in its entirety. Chairperson Singer countered that if the initial petition contained a considerable number of signatures to be placed on the ballot, citizens would not have an opportunity with a smaller number of required signatures on an initiative petition to give the Council or School Committee a first chance to agree and possibly pass the issue at that level of community interest. Councilor Gilmour believed that having a smaller number of signatures just to have the initiative petition placed on the Council or School Committee’s agenda(s); however, there should be a higher number of signatures collected in order to place the issue on the ballot. Committee member Woods noted that he would suggest 5% of the voters in order to submit an initiative petition to the City Council and/or School Committee, with an additional 2 ½% for the initiative petition to be placed on the ballot.
- Committee member Donnally believed that the supplemental initiative petition should remain in the Charter. Chairperson Singer reiterated that he did not have issues with any of the language in the current Section 7; however, the percentage numbers could be amended. The Committee agreed that the same percentage of signatures should be used for both the supplemental initiative and referendum petitions. The Committee may continue this discussion at the next scheduled meeting.

Chairperson Singer announced that he will prepare a 3rd strike draft of the Charter to the Committee and a summary for discussion at the next meeting.

The next scheduled meeting will be March 29th, 2021, 5:30 pm , via Webex.

ADJOURNMENT: On a motion by Councilor Wheeler, second by Councilor Gilmour, it was unanimously,

VOTED: TO ADJOURN THE MEETING AT 7:25 P.M.